

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

February 14, 2013

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, L. Spataro, L. Mikesell, B. Mazade, J. Doyle, S. Gawron
T. Michalski, B. Smith

MEMBERS ABSENT: W. Parker, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Urbina, 1308 S. Getty; D. Morse, 2321 Duck Lake Rd; J. Rooks,
Grand Rapids; Driesenga & Associates; D. Mayville, BMA
Architects; D. Sturgeon, Baker College

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of January 10, 2013 be approved, was made by B. Mazade, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2013-02: Request for a Special Use Permit to operate an auto sales dealership in a B-4, General Business District at 1308 S Getty St, by Juan Urbina. D. Renkenberger presented the staff report. The owner of this property was previously issued a Special Use Permit (SUP) to operate an auto sales dealership after a public hearing on June 14, 2007, However, the SUP was revoked on August 5, 2008 after repeated violations, including outdoor vehicle repairs and storage of junk cars, old tires and car parts. The owner has applied for another SUP so that he may once again operate a car dealership. The site plan he has submitted was the same one that was approved in 2007. The only concern that staff has is that the parking near the corner of Evanston Ave. and Getty St. should be eliminated. There should be at least 25 feet of clear vision at the corner. The car lot would be located at 1308 S. Getty Street and the office would be located next door at 1272 S. Getty Street. Notices were sent to properties within 300 feet of this property. Staff has received two comments from the public at the time of this writing. D. Marchido lives behind this property and said that she is not opposed to having the car lot there if he keeps the property clean. However, it has been such a mess in the past and is still in such disarray that she is concerned about the effect on neighboring property values if it continues to be a mess. T. Leutscher of 1337 Kingsley stated that right now the cars are parked so close to the edge of the road, it is blocking the view of traffic at Evanston & Getty when making a turn. If a car lot is allowed, please make sure they keep the cars back far enough from the road so it doesn't block traffic view when turning, or block the sidewalk for pedestrians.

J. Urbina stated that he had been off work for a year and a half, and the person running the business in his absence did not comply with the requirements of the previous SUP. He assured board members that he would comply with all conditions of the SUP and keep the property up. T.

Michalski stated that he and J. Doyle had gone by the site today and noted the same issues with tires and vehicles parked all over, blocking clear vision at the intersection.

B. Smith arrived at 4:05 p.m.

L. Spataro arrived at 4:06 p.m.

J. Urbina stated that they had made progress on the clean-up but still had things to do. J. Doyle asked what guarantee there was that the problem issues would be resolved, if the SUP was issued. J. Urbina suggested that the City could revoke the SUP in 30 days if the work hadn't been done. B. Mazade had the same concerns with the condition of the property. L. Spataro stated that there was a history of non-compliance and was disappointed that the property had not been cleaned up prior to the Planning Commission meeting. He suggested tabling the case for 30 days to give the owner time to clean the property before a decision on the SUP was made.

A motion to close the public hearing was made by L. Spataro, supported by B. Larson and unanimously approved.

A motion to table the request for a Special Land Use Permit to allow the sale of used cars in a B-4 zoning district at 1308 Getty Street until the March Planning Commission meeting, was made by L. Spataro, supported by B. Larson and unanimously approved.

L. Spataro asked Mr. Urbina if he understood that the reason for tabling the case was to give him 30 days to get the property cleaned up. Mr. Urbina stated that he did.

Hearing, Case 2013-03: Request for preliminary Planned Unit Development approval for a neighborhood community center and residential development in an R-1, Single Family Residential District at 2330 Barclay Street, by Daniel Morse of the Muskegon Family Life Center. M. Franzak presented the staff report. The parcel is approximately 6.4 acres and has two structures on it, the former Moose Lodge (13,000 square feet) and an open-sided pavilion. The plan calls for restoration of the former Moose Lodge for use as a community center offering a banquet facility with kitchen, offices, an exercise facility, activity rooms and a day care. The existing pavilion would be moved closer to the existing building. There will also be 20 multi-family residential units built along the northern and eastern borders of the parcel. They will include specialized housing for the elderly, handicapped and/or those with special needs. There are currently two curb cuts on this property. The northern curb cut would be turned into a private road. A third curb cut would be added in between the two existing cuts, which would allow for additional pavement to be added for parking near the community center. The existing building would be renovated with a new patio, carport, canopy and fenced-in play area. The plan proposes a gazebo where the current fountain is located. There are 113 parking spaces proposed for this development, not including the parking spaces available at the residential units. Staff feels that this is too many spaces and that the plan should incorporate more green space. The parking lot should also include landscape islands. This review is for a preliminary PUD approval. If approved, the applicant must come back to Planning Commission and then to City Commission for final PUD approval. A more detailed plan including a scale, landscaping, topography, dumpster enclosures, etc. is needed. Notice was sent to properties within 300 feet of this property.

Consensus among board members was that more information was needed before they could make an informed decision. Several neighbors spoke out against the housing development, especially the rental aspect of it. Most were in favor of a community center.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and

unanimously approved.

D. Morse stated that nothing was set in stone at this point, and he was open to reconsidering the plans for the housing. Board members discussed the possibility of a special use permit for the community center, versus a PUD. B. Larson stated that the plan was much more likely to get approved without the housing development being included. D. Morse stated that he understood that, after hearing from neighbors and board members. L. Spataro felt that it would be more appropriate to submit a request for a SUP for a community center using the existing building on site. It would also give the applicant time to re-work the housing portion of the development. He suggested that the board table the request, and that the applicant return next month with the SUP request.

A motion that the preliminary PUD for a community center and multi-family residential development at 2330 Barclay St be tabled until the March meeting was made by L. Spataro, supported by B. Larson and unanimously approved.

Hearing, Case 2013-04: Request for an amendment to the Final Planned Unit Development (PUD) at 650 Terrace Point to allow for a single family residential development, by Jon Rooks of Terrace Point Landing, LLC. M. Franzak presented the staff report. Terrace Point is already a PUD and includes the Shoreline Inn & Suites, marina, restaurant, former SPX building and the land proposed for this development. The final PUD was approved in 1987 and included a condo development on the site at 650 Terrace Point. This request is to amend that plan for a different residential development. This project proposes 70 lots, most of which will be only 35 feet wide and slightly over 5,000 square feet in total. The zoning ordinance requires that all lots in residential districts have at least 50 feet of road frontage with at least 6,000 square feet total. The PUD is required to give flexibility on these standards. The homes on this development can be either one or two stories and will not exceed 35 feet in height. The proposed side setbacks are only 3 feet, compared to the normal setback of 8 feet for two-story homes in residential districts allowed by the zoning ordinance. However, these setbacks measure from the closest part of the house to the lot line, which includes eaves, chimneys, egress wells and uncovered steps. These are the only parts of the homes that will be allowed to be closer than 5 feet from the side lot line. Since the lots will be smaller than normally allowed, the homes will not be able to meet the design standards of the zoning ordinance, which includes minimum living and storage spaces. Please see the "Sears Architects" attachment for design standards. The proposed right-of-way (ROW) is only 50 feet wide. This will include the standard 27-foot road, but there will be less room to fit in all utilities. The City Engineer has brought this to the applicants attention and has agreed on approval of the ROW as long as the applicant understands that the City will not be liable for any problems resulting from a smaller ROW. The new road will be public. Staff reviewed the original submitted plans and had several issues regarding the ROW, driveways, lot lines, design standards, etc. and called a meeting with the applicant and his consultants to go over the issues. The meeting was very productive and the consultants were able to revise the plan that was presented today.

M. Franzak presented board members with a revised staff report and a new plan for the development, resulting from meetings with City staff and the developer. J. Rooks explained the changes from the original plan submitted and answered board members questions. There were no public comments.

A motion to close the public hearing was made by B. Larson, supported by S. Gawron and unanimously approved.

A motion that the amendment to the final Planned Unit Development for a residential development at 650 Terrace Point be recommended to the City Commission for approval pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan with the conditions that 1) the applicant will make required changes to the site plan if there are any, and 2) the applicant must obtain all necessary State permits, was made by B. Smith, supported by B. Larson and unanimously approved.

Case 2013-05: Request for Site Plan Review for a new building at 1903 Marquette, by Baker College. M. Franzak presented the staff report. This plan is for a two-story, 34,500 square-foot building addition to the Baker College Health Science Center at 1903 Marquette Ave. The building addition meets all of the applicable setback requirements. The plan includes the addition of 143 parking spaces. There is a proposed rain garden for storm water retention. The landscaping plan is complete and will be a great addition to the campus. Staff has reviewed the plan and does not have any issues with it.

D. Mayville discussed the new building project and answered board members questions.

A motion that the site plan submitted for 1903 Marquette Avenue be approved, based on compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, was made by J. Doyle, supported by B. Larson and unanimously approved.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 5:40 p.m.